

Fred W. Schwinn (SBN 225575)
CONSUMER LAW CENTER, INC.
12 South First Street, Suite 1014
San Jose, California 95113-2418
Telephone Number: (408) 296-6100
Facsimile Number: (408) 294-6100
Email Address: fred.schwinn@sjconsumerlaw.com

Balám O. Letona (SBN 229642)
LAW OFFICE OF BALÁM O. LETONA, INC.
1347 Pacific Avenue, Suite 203
Santa Cruz, California 95060-3940
Telephone Number: (831) 421-0200
Facsimile Number: (831) 621-9659
Email: letonalaw@gmail.com

Attorneys for Plaintiff
CARLOS H. PEREZ

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CARLOS H. PEREZ, individually and on behalf of the general public,

Case No.: C08-01972-JW-HRL

**REQUEST FOR ENTRY OF
DEFAULT AGAINST
DEFENDANT, ELIZABETH P.
CAMPOS**

GMAC MORTGAGE USA CORPORATION, A/K/A GMAC MORTGAGE, LLC, a Delaware corporation; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., a Delaware corporation; EXECUTIVE TRUSTEE SERVICES, LLC, a Delaware limited liability company; GREENPOINT MORTGAGE FUNDING, INC., a New York corporation; ANDRUS & ASSOCIATES, INC., a California corporation; PAUL RAY ANDRUS, individually and in his official capacity; HOMECOMINGS FINANCIAL, LLC, a Delaware limited liability company; COUNTRYWIDE HOME LOANS, INC., a New York corporation; SOUTH PACIFIC FINANCIAL CORPORATION, a California corporation; RESIDENTIAL MORTGAGE CAPITAL, D/B/A FIRST

1 SECURITY LOAN; a California
2 corporation; JAMES JOHN CHAPMAN,
3 individually and in his official capacity;
4 LUIS G. BARRIOS, individually and in his
5 official capacity; ELIZABETH P.
6 CAMPOS, individually and in her official
7 capacity; and DOES 1 through 20,
8 inclusive,

Defendants.

TO: CLERK OF THE DISTRICT COURT:

Please enter a default in this matter against Defendant, ELIZABETH P. CAMPOS, on the ground that said party has failed to plead or otherwise defend this action within the time prescribed by the Federal Rules of Civil Procedure. Specific facts supporting the entry of default are set forth in the accompanying declaration of counsel.

Dated: June 27, 2008

By: /s/ Fred W. Schwinn

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CONSUMER LAW CENTER, INC.
12 South First Street, Suite 1014
San Jose, California 95113-2418
Telephone Number: (408) 294-6100
Facsimile Number: (408) 294-6190
Email Address: fred.schwinn@sjconsumerlaw.com

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Attorneys for Plaintiff
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Attorneys for Plaintiff
CARLOS H. PEREZ

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CARLOS H. PEREZ, individually and on behalf of the general public,

Case No.: C08-01972-JW-HRL

Flannery,

GMAC MORTGAGE USA CORPORATION, A/K/A GMAC MORTGAGE, LLC, a Delaware corporation; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., a Delaware corporation; EXECUTIVE TRUSTEE SERVICES, LLC, a Delaware limited liability company; GREENPOINT MORTGAGE FUNDING, INC., a New York corporation; ANDRUS & ASSOCIATES, INC., a California corporation; PAUL RAY ANDRUS, individually and in his official capacity; HOMECOMINGS FINANCIAL, LLC, a Delaware limited liability company; COUNTRYWIDE HOME LOANS, INC., a New York corporation; SOUTH PACIFIC FINANCIAL CORPORATION, a California corporation; RESIDENTIAL MORTGAGE CAPITAL, D/B/A FIRST

**DECLARATION OF COUNSEL
IN SUPPORT OF REQUEST FOR
ENTRY OF DEFAULT AGAINST
DEFENDANT, ELIZABETH P.
CAMPOS**

1 SECURITY LOAN; a California
2 corporation; JAMES JOHN CHAPMAN,
3 individually and in his official capacity;
4 LUIS G. BARRIOS, individually and in his
5 official capacity; ELIZABETH P.
6 CAMPOS, individually and in her official
7 capacity; and DOES 1 through 20,
8 inclusive,

Defendants.

9
10 FRED W. SCHWINN, hereby declares under penalty of perjury, pursuant to 28 U.S.C. §
11 1746, that the following statements are true and correct:

12 1. I am an attorney and counselor at law, duly admitted to practice before this
13 Court, and the counsel of record for Plaintiff. In my capacity as the counsel of record for Plaintiff, I
have personal knowledge of the matters stated in this declaration.

14 2. I hereby make application to the Clerk of this Court for entry of default as to
15 Defendant, ELIZABETH P. CAMPOS, pursuant to Rule 55(a), Federal Rules of Civil Procedure, and in
16 support of this application do show that:

17 a. Defendant was personally served with copies of Plaintiff's Summons and
18 Complaint on May 5, 2008, as authorized by California Code of Civil Procedure § 415.10 and Rule 4(c)
19 (1), Federal Rules of Civil Procedure;

20 b. Upon Plaintiff's information and belief, Defendant, being an individual
21 with her principal place of business in Fremont, California, is neither an infant nor an incompetent
22 person requiring special service in accordance with Rule 4(g), Federal Rules of Civil Procedure, and is
23 not serving with the armed forces of the United States entitled to the protection of 50 U.S.C. § 520;

24 c. Defendant has neither answered nor otherwise responded formally to
25 Plaintiff's Summons and Complaint, and the time to do so, as provided in Rule 12(a), Federal Rules of
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1 Civil Procedure, has expired;

2 d. Copies of this Declaration and the Request for Entry of Default, seeking
3 entry of default, which are being filed herewith, have this date been served upon Defendant by regular
4 mail, postage prepaid.

5 Executed on June 27, 2008, at San Jose, California.

6
7 By: /s/ Fred W. Schwinn

8 Fred W. Schwinn (SBN 225575)
9 CONSUMER LAW CENTER, INC.
10 12 South First Street, Suite 1014
11 San Jose, California 95113-2418
12 Telephone Number: (408) 294-6100
13 Facsimile Number: (408) 294-6190
14 Email Address: fred.schwinn@sjconsumerlaw.com

15
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23
24 Attorneys for Plaintiff
25 CARLOS H. PEREZ

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16 Attorneys for Plaintiff
 17 CARLOS H. PEREZ

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 28 **UNITED STATES DISTRICT COURT**
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

1
 2 CARLOS H. PEREZ, individually and on
 3 behalf of the general public,

4
 5 Plaintiff,
 6 v.

7 GMAC MORTGAGE USA
 8 CORPORATION, A/K/A GMAC
 9 MORTGAGE, LLC, a Delaware
 10 corporation; MORTGAGE ELECTRONIC
 11 REGISTRATION SYSTEMS, INC., a
 12 Delaware corporation; EXECUTIVE
 13 TRUSTEE SERVICES, LLC, a Delaware
 14 limited liability company; GREENPOINT
 15 MORTGAGE FUNDING, INC., a New
 16 York corporation; ANDRUS &
 17 ASSOCIATES, INC., a California
 18 corporation; PAUL RAY ANDRUS,
 19 individually and in his official capacity;
 20 HOMECOMINGS FINANCIAL, LLC, a
 21 Delaware limited liability company;
 22 COUNTRYWIDE HOME LOANS, INC., a
 23 New York corporation; SOUTH PACIFIC
 24 FINANCIAL CORPORATION, a
 25 California corporation; RESIDENTIAL
 26 MORTGAGE CAPITAL, D/B/A FIRST

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 3 Case No.: C08-01972-JW-HRL

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 28 **CERTIFICATE OF SERVICE**
BY MAIL

1 SECURITY LOAN; a California
 2 corporation; JAMES JOHN CHAPMAN,
 3 individually and in his official capacity;
 4 LUIS G. BARRIOS, individually and in his
 5 official capacity; ELIZABETH P.
 6 CAMPOS, individually and in her official
 7 capacity; and DOES 1 through 20,
 8 inclusive,

9 Defendants.

10 STATE OF CALIFORNIA)
 11) ss:
 12 COUNTY OF SANTA CLARA)

13 I am employed in the County of Santa Clara, California. I am over the age of eighteen years and
 14 not a party to the within entitled cause. My business address is 12 South First Street, Suite 1014, San
 15 Jose, California 95113-2418. On June 27, 2008, I served the following:

16 1. REQUEST FOR ENTRY OF DEFAULT AGAINST DEFENDANT, ELIZABETH P.
 17 CAMPOS

18 2. DECLARATION OF COUNSEL IN SUPPORT OF ENTRY OF DEFAULT AGAINST
 19 DEFENDANT, ELIZABETH P. CAMPOS

20 on the interested parties in said cause, by placing a true and correct copy thereof in a sealed envelope
 21 with postage fully prepaid thereon and depositing it in the United States mail at San Jose, California
 22 addressed as follows:

23 **DEFENDANT:**
 24 Elizabeth P. Campos
 25 Andrus & Associates, Inc.
 26 39650 Liberty Street, Suite 410
 27 Fremont, CA 94538-2261

28 **DEFENDANT:**
 29 Elizabeth P. Campos
 30 1386 Kubicek Way
 31 Brentwood, CA 94513-2270

1 I declare under penalty of perjury that the foregoing is true and correct and that this declaration
2 was executed at San Jose, California on June 27, 2008.
3
4 /s/ Fred W. Schwinn
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